

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
July 10-11, 2008

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Thursday, July 10, 2008 from 10:00 a.m. – 4:00 p.m. and Friday, July 11, 2008 from 9:00 a.m. – 2:45 p.m.

1. Members present. July 10: Thomas P. Boyer, Roland W. Chamblee, Bruce S. Markel, Carol J. Orbison and Thomas P. Stefaniak, Chair. July 11: Thomas P. Boyer, W. Timothy Crowley, Gregory A. Horn, Stanley A. Levine, Bruce S. Markel, Carol J. Orbison, and Thomas P. Stefaniak, Chair.
2. Staff present. Jeffrey Bercovitz; James Diller, Court Analyst, James Walker, Kristin Donnelly-Miller, and Angela James all with the Division of State Court Administration, provided the committee with staff assistance each day.
3. Guests present. Larry Grau, The Grau Group, Inc.; and Jim Wolf, Survey Research Center, IUPUI were also present.
4. Minutes approved. The minutes for the committee on May 9, 2008 were approved.
5. Weighted caseload measures.
 - a. Larry Grau distributed a chart entitled “Weighted Caseload 2007-8 – Case File Review Update By County + Case Type (July 10-08).” He noted over 2,248 case files from 21 counties were reviewed to date in the case file audit portion of the study. The vast majority of MR, FA, FB, FC, FD and PC cases files were audited. He said Drug Court case files would be included soon.
 - b. James Diller distributed a chart indicating the percentage of case filings across various case types in 2007 by county.
 - c. Jim Wolf distributed summary data focusing on criminal case types including: (1) Jury trial data from CCS reviews; (2) Counts of judicial actions by case type; (3) All CCS data reviewed by county and case type; (4) Judicial officer timesheet data by case type; (5) Other data by judicial officer and type of case; (6) Estimated times for each case type excluding drug courts; (7) Judicial officer timesheet data by case type for drug courts; and (8) Other data by judicial officer and case type. Committee members reviewed this information. They agreed to check maximum times for A, B, and C felonies, anomalous data in A, B, C, and D felonies, and drug court data which might inadvertently be included with the other felony information.
 - d. James Diller distributed information about all felony cases filed in 2007.
 - e. Committee members discussed whether D felonies are being treated more like A, B, and C felonies since they are heard by more courts which hear A, B, and C felonies and no longer by county courts.
 - f. In case actions where there was no data, for example the number of times research occurred in a particular case type, the committee agreed to use numbers from the 2002 Judicial Weighted Caseload Study. Jim Wolf revised the estimated times for each case type with this information and distributed it to the committee.

- g. James Diller distributed a draft of the judicial weighted caseload for selected courts based on the estimated felony times for each case type, including times for post conviction relief cases.
- h. Members of the committee reviewed the policy of dropping the top 2 ½% and bottom 2 ½% of the data collected in the 1996 and 2002 judicial weighted caseload studies. Jim Wolf, Survey Research Center and Larry Grau urged the committee not to remove data in this manner since this study was able to gather a larger data sample electronically and use better data collection and sorting methods than previous studies. Members of the committee discussed the duplication of the method used in the last study, but agreed not to remove data. They agreed to examine all the data collected and consider removing only anomalous data.
- i. Larry Grau distributed a memorandum concerning review of small claims cases. Jeffrey Bercovitz distributed a letter from Magistrate Michael Pagano, Lake Superior Court, County Division III, which was distributed at the last meeting, expressing concern about whether too much time was given to civil collection cases in small claims court for judicial weighted caseload purposes. Larry Grau concluded more harm than good would occur by looking only at small claims cases without looking at civil collections cases at the same time, and giving them the same scrutiny as criminal cases. Committee members mentioned courts did not keep time sheets for civil collections in the present study, and whether staff time should be examined for these case types. They agreed to discuss how to structure a new study, whether to seek funding for a new study, and related considerations at the next meeting.
- j. Jeffrey Bercovitz indicated the wide range of cases in the civil miscellaneous category may need examination and further study.
6. Juvenile case designation at appellate level. Jeffrey Bercovitz reported he received an email from the Division of State Court Administration indicating the case type designation from the trial court, e.g. "JD" for Delinquency, or "JC" for CHINS cases becomes "JV" at the appellate level. The designation does not carry through to the appellate clerk in their case numbering system. Lilia Judson requested the Judicial Administration Committee examine why this designation does not carry through, noting tracking the case could be a concern. The committee discussed this policy of the appellate clerk and prepared a letter recommending changes. See Attachment No. 1.
7. Next meeting. Committee members agreed to hold meetings on the following dates: Friday, August 8, 2008, October 10 from 10:00 a.m. – 4:00 p.m., November 14, 2008, from 9:00 a.m. – 4:00 p.m. with an overnight before if needed, and again on Thursday, December 11, 2008 from 10:00 a.m. – 4:00 p.m. if needed at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law



July 11, 2008

Lilia Judson, Executive Director
Division of State Court Administration
30 South Meridian Street, Suite 500
Indianapolis, Indiana 46204

Dear Ms. Judson:

The Indiana Judicial Center recently received an email about whether the two letter identifier in the case numbers used by trial courts should be used by the Clerk of the Supreme Court, Court of Appeals and Tax Court. We understand the Clerk's office uses a "JV" designation to include CHINS, Delinquency, Juvenile Miscellaneous, Termination of Parental Rights and Paternity cases. HEA 1001 recently provided for an expedited appeal in delinquency and CHINS cases. The Court Improvement Program also tracks CHINS and Termination cases to improve the disposition times and for other purposes.

In order for a party to track a specific case, it may not be necessary to spend the monies needed to change the two letter identifier. The parties, Department of Child Services and the court would know the appellate case number or readily find it. However, in order for a researcher to track particular juvenile cases, for purposes of determining the costs of the juvenile case while pending on the expedited appeal, the committee believes use of the two-letter identifier has some value. This would also permit the legislature and others to examine the frequency, costs and types of placements ordered when expedited juvenile appeals occur.

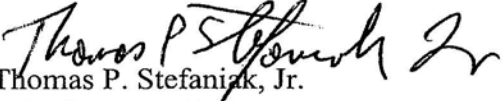
The committee has some concerns about the confidentiality of CHINS records. Appropriate safeguards would have to be taken to assure the underlying CHINS record on appeal would not be public. It might be easier to maintain confidentiality with a two-letter identifier.

The same reasoning may be applied to criminal and civil cases. By use of the same two-letter identifier for the particular case type would help track these cases for costs and other research and tracking purposes. If the right to take an expedited appeal expands beyond the Department of Child Services in future years, others may wish to access or examine expedited appeals. Therefore, the committee recommends the cost for revising the appellate clerk tracking system be examined for all case types.

In addition, Appellate Rule 15 requires the Appellant's case summary to be filed in each case. The Judicial Administration Committee believes the form required under this rule should be modified to include a notation that an "expedited appeal" is being taken under the appropriate juvenile statute.

Thank you for your consideration. If you have any questions, you may contact Jeffrey Bercovitz, Director, Juvenile and Family Law, or me at your convenience.

Sincerely,


Thomas P. Stefaniak, Jr.
Lake Superior Court
Chair, Judicial Administration Division